

EXTERNAL (for general distribution)

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**UA 340/92 Legal concern/Fear of torture/
Possible extrajudicial execution**

4 November 1992

**MALAWI: ULAYA, male, first name unknown, member of Alliance for
Democracy (AFORD)
Ten other supporters of AFORD**

There have been reports of arrests and short-term imprisonment of supporters of the movement for a multi-party system since the government's announcement on 18 October 1992 that it would hold a referendum on whether to change Malawi's existing one-party system. In particular, 10 people are reported to have been arrested on 2 November 1992 outside the court in Lilongwe which was hearing the case of trade union official Chakufwa Chihana, who is charged with sedition. Three other people outside the court were reportedly admitted to hospital after being beaten by police and paramilitary Malawi Young Pioneers. One later died.

Amnesty International has received reports of the arrest on 27 October 1992 of a number of members of the Alliance for Democracy (AFORD), led by Chakufwa Chihana, which campaigns for a multi-party system. AFORD members, including executive committee member Duncan Tukula, are reported to have been arrested in Thyolo, near Blantyre, Zomba, Lilongwe, Rumphi and Nkhata bay. It is believed that most were later released.

On 29 October 1992, the publicity secretary of AFORD, Harry Chieme, who is also Chakufwa Chihana's lawyer, was arrested in Blantyre along with another AFORD member named Ulaya. They were apparently selling AFORD membership cards. Harry Chieme was released without charge the next day but Mr Ulaya apparently remains in police custody.

Individuals imprisoned earlier in the year for alleged involvement in the campaign for a multi-party system were kept in severely overcrowded conditions and in some cases severely beaten and sexually abused. Thus there is a fear that those arrested in recent days may face similar treatment.

BACKGROUND INFORMATION

Malawi is a one-party state ruled by the Malawi Congress Party, headed by Life-President Dr H. Kamuzu Banda. During 1992 there has been increasing public pressure for a change to a multi-party system. Two organizations have been established to campaign for a multi-party system: AFORD and the United Democratic Front (UDF). On 18 October 1992 President Banda announced that a referendum would be held to decide whether there should be a change in the political system. No date has been fixed for the referendum.

Individuals identified with the multi-party movement have been harassed, arrested

and sometimes tortured. In past years the authorities have often detained political opponents without charge or trial for several years at a time. In recent months, however, government critics have been detained for days or weeks and have often been charged with sedition on their release.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or in your own language:

- expressing concern at reports that members or supporters of AFORD have been arrested because of their activities in support of a multi-party system;

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- seeking information about the whereabouts and legal basis for the detention of Mr Ulaya and the 10 people arrested outside the trial of Chakufwa Chihana and calling for them to be released unless they are to be charged with a recognizably criminal offence and brought promptly to trial;

- seeking assurances that they are being humanely treated while in custody and have access to visits from family and lawyers of their choice;

- calling for an independent investigation into the reported death of a person beaten by police and Malawi Young Pioneers in Lilongwe on 2 November 1992.

APPEALS TO

1) His Excellency the Life-President Dr H Kamuzu Banda
Office of the President and Cabinet
P/Bag 301
Lilongwe 3
Malawi

Telegrams: Life-President Banda, Lilongwe, Malawi
Telexes: 44389 PRES MI; 4476 JUSTICE MI; 44113 EXTERNAL MI
Faxes: +265 731878

Salutation: Your Excellency

2) Hon. J Z U Tembo
Minister of State in the Office of the President
P/Bag 301
Lilongwe 3
Malawi

Telegrams: Minister of State Tembo, Lilongwe, Malawi
Telexes: 44389 PRES MI; 4476 JUSTICE MI; 44113 EXTERNAL MI
Faxes: +265 731878

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Mr McWilliam Lunguzi
Inspector General of Police
P/Bag 305
Lilongwe 3
Malawi

and to diplomatic representatives of Malawi accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 December 1992.